



# FISH AND GAME NEWS RELEASE

(916) 653-6420

Conservation Education Office  
Resources Building, 1416 Ninth Street  
Sacramento, California 95814  
e-mail: skoell@hq.dfg.ca.gov

## ***SPECIAL NEWS RELEASE***

## ***FOR IMMEDIATE RELEASE***

**CONTACT:** Terry Mansfield  
(916) 653-7203

November 6, 1998  
98:129

### **Voter-Approved Proposition 4 Prohibits Commonly Used Traps**

The approval of Proposition 4 by voters in the recent election on Nov. 3, 1998, means that traps commonly used to capture fur-bearing and nongame mammals may no longer be used in California. Unlike laws passed by the Legislature, which generally take effect on Jan. 1 of the following year, Proposition 4, because it is a voter-approved initiative, took effect Nov. 4, the day after the election. Proposition 4 makes it generally illegal to trap fur-bearing and nongame mammals with commonly used traps and to buy, sell, or exchange the fur of mammals that have been captured with these traps. Specifically, under Proposition 4:

"(a) It is unlawful for any person to trap for the purposes of recreation or commerce in fur any fur-bearing mammal or nongame mammal with any body-gripping trap. A body-gripping trap is one that grips the mammal's body or body part, including, but not limited to, steel-jawed leghold traps, padded-jaw leghold traps, conibear traps, and snares. Cage and box traps, nets, suitcase-type live beaver traps, and common rat and mouse traps shall not be considered body-gripping traps.

"(b) It is unlawful for any person to buy, sell, barter, or otherwise exchange for profit, or to offer to buy, sell, barter, or otherwise exchange for profit the raw fur, as defined by Section 4005 [of the Fish and Game Code], of any fur-bearing mammal or nongame mammal that was trapped in [California] with a body-gripping trap as described in subdivision (a).

"(c) It is unlawful for any person, including an employee of the federal, state, county or municipal government, to use or authorize the use of any steel-jawed leghold trap, padded or otherwise, to capture any game mammal, fur-bearing mammal, nongame mammal, protected mammal, or any dog or cat.

"The prohibition in [subdivision (c)] does not apply to federal, state, county or municipal government employees or their duly authorized agents in the extraordinary case where the otherwise prohibited padded-jaw leghold trap is the only method available to protect human health or safety."

(continued)

Visit the California Department of Fish & Game via the Internet at <http://www.dfg.ca.gov>  
~~Dodge Trucks supports hunting and fishing in California by sponsoring~~  
the DFG hunting and fishing regulation booklets and supplements

## Proposition 4: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the California Constitution.

This initiative measure adds sections to the Fish and Game Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

### PROPOSED LAW

SECTION 1. Section 3003.1 is added to the Fish and Game Code, to read:

3003.1. Notwithstanding Sections 1001, 1002, 4002, 4004, 4007, 4008, 4009.5, 4030, 4034, 4042, 4152, 4180, or 4181:

(a) *It is unlawful for any person to trap for the purposes of recreation or commerce in fur any fur-bearing mammal or nongame mammal with any body-gripping trap. A body-gripping trap is one that grips the mammal's body or body part, including, but not limited to, steel-jawed leghold traps, padded-jaw leghold traps, conibear traps, and snares. Cage and box traps, nets, suitcase-type live beaver traps, and common rat and mouse traps shall not be considered body-gripping traps.*

(b) *It is unlawful for any person to buy, sell, barter, or otherwise exchange for profit, or to offer to buy, sell, barter, or otherwise exchange for profit, the raw fur, as defined by Section 4005, of any fur-bearing mammal or nongame mammal that was trapped in this state, with a body-gripping trap as described in subdivision (a).*

(c) *It is unlawful for any person, including an employee of the federal, state, county, or municipal government, to use or*

*authorize the use of any steel-jawed leghold trap, padded or otherwise, to capture any game mammal, fur-bearing mammal, nongame mammal, protected mammal, or any dog or cat.*

*The prohibition in this subdivision does not apply to federal, state, county, or municipal government employees or their duly authorized agents in the extraordinary case where the otherwise prohibited padded-jaw leghold trap is the only method available to protect human health or safety.*

(d) *For purposes of this section, fur-bearing mammals, game mammals, nongame mammals, and protected mammals are those mammals so defined by statute on January 1, 1997.*

SEC. 2. Section 3003.2 is added to the Fish and Game Code, to read:

3003.2. Notwithstanding Sections 4003, 4152, 4180, or 4180.1 of this code or Section 14063 of the Food and Agricultural Code, no person, including an employee of the federal, state, county, or municipal government, may poison or attempt to poison any animal by using sodium fluoracetate, also known as Compound 1080, or sodium cyanide.

SEC. 3. Section 12005.5 is added to the Fish and Game Code, to read:

12005.5. Notwithstanding Sections 12000 and 12002, a violation of Section 3003.1 or 3003.2, or any rule or regulation adopted pursuant thereto, is punishable by a fine of not less than three hundred dollars (\$300) or more than two thousand dollars (\$2,000), or by imprisonment in the county jail for not more than one year, or by both that fine and imprisonment. The Legislature may increase, but may not decrease, these penalties.

## Proposition 5: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the California Constitution.

This initiative measure adds sections to the Government Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

### PROPOSED LAW

Federal law also provides that certain forms of gaming, known as "class III gaming," will be the subject of an agreement between a tribe and the state (a "Tribal-State compact"), pursuant to which that gaming will be governed.

(b) *The people of the state find that uncertainties have developed over various issues concerning class III gaming and the development of Tribal-State compacts between the state and tribes, and that those uncertainties have led to delays and*

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-Publication of Notice Statement)

Amend Sections 401, 465, 465.5, 475, 479, and 480  
Title 14, California Code of Regulations  
Re: Use of Traps

I. Date of Statement: January 11, 1999

II. Dates and Locations of Scheduled Hearings:

- |                         |  |
|-------------------------|--|
| (a) Notice Hearing:     | Date: February 5, 1999<br>Location: Sacramento, California |
| (b) Discussion Hearing: | Date: March 5, 1999<br>Location: Riverside, California     |
| (c) Adoption Hearing:   | Date: April 2, 1999<br>Location: Visalia, California       |

III. Description of Regulatory Action:

(a) Description of Problem or Condition that Regulation Change is Intended to Address:

Existing regulations governing the trapping of furbearing mammals and nongame mammals are in conflict with statutory provisions resulting from the November 1998 passage of Proposition 4. The statutes Proposition 4 added to the Fish and Game Code (sections 3003.1, 3003.2 and 1205.5) prohibit the use of body-gripping traps as specifically defined for the take of furbearing mammals and nongame mammals for fur purposes and prohibit the sale, purchase, or exchange of raw fur of furbearing mammals and nongame mammals taken with such traps. The statutes also prohibit, except under extraordinary cases where government employees act to protect human health or safety, the use of any steel-jawed, leg-hold trap by any person, including an employee of the federal, state, county or municipal government, to capture any game mammal, furbearing mammal, nongame mammal, protected mammal or any dog or cat. Existing regulations must be brought into conformance with these provisions.

(b) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

The passage of Proposition 4 in November 1998 resulted in changes to the Fish and Game Code that restricts the types of traps that may be used to capture mammals and prohibits the sale, purchase, or exchange of raw fur of furbearing mammals and nongame mammals when taken by certain traps. The existing regulations of the Commission related to the trapping of mammals must be amended to bring them into conformance with Fish and Game Code sections added by Proposition 4. Failure to do so in a timely manner, would lead to considerable confusion for trappers, property owners and enforcement officers, and would leave the Commission's existing trapping regulations in conflict with the Fish and Game Code.

Several changes are proposed. For maximum clarity for the public and enforcement personnel, some of the language from Proposition 4 is included verbatim. The Commission does not usually include statutory language as part of its regulations, because it recognizes that the Administrative Procedure Act and the Office of Administrative Law discourage such duplication. In this case, the Commission is including the exact statutory language to avoid any confusion on the part of the public and enforcement personnel. Providing other than specific statutory language could lead to misinterpretation and possible legal problems.

The Commission has focused primarily on aligning Section 465.5, Title 14, CCR, re: The Use of Traps, with the new statutes. This section is then cross-referenced in other applicable regulations dealing with trapping. Primary changes relate to the use of body-gripping traps as specifically defined, the sale, purchase, or exchange of raw fur of furbearing mammals and nongame mammals and a prohibition on the use of steel-jawed, leg-hold traps by individuals (including employees of the federal, state, county or municipal government), except under extraordinary cases by government employees to protect human health or safety.

(c) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 203, 219, 240, 3003.1, 3800, 4005, 4009.5, 4159, and 4181, Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, 207, 3003.1, 3800, 4004, 4005, 4009.5, 4150, 4152, 4180 and 4181, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change: None.

(e) Identification of Reports or Documents Supporting Regulation Change: Text of Proposition 4.

IV. Description of Alternatives to Regulatory Action:

(a) Major Alternatives to Regulation Change:

No major alternatives were identified.

(b) No Change Alternative:

Not applicable.

(c) Consideration of Alternatives:

In view of information currently possessed, no alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

See Draft Environmental Document Regarding Furbearing and Nongame Mammal Hunting and Trapping.

VI. Impact of Regulatory Action - Economic, Jobs, Local Agencies, State Agencies, Housing Costs and School Districts:

The Commission has assessed the potential for significant impacts that might result from the proposed regulatory action and it has made the following determinations relative to the required statutory categories:

(a) Economic Impact on Business, Including Small Businesses:

The proposed regulatory action may have some adverse economic impact on the livestock and poultry business because the most efficient traps for catching predators are no longer legal. Also, some loss of revenue is expected for trappers and other persons connected with the fur industry. It should be noted that trappers may continue to trap for fur purposes using non-body-gripping traps. It may be more difficult to control rodent damage to water systems because the most efficient traps for catching muskrats and beavers will no longer be legal.

(b) Economic Impact on Private Persons:

The income of commercial trappers may be affected because the most efficient traps are no longer legal to use. Trappers may continue trapping for fur purposes, however, using non-body-gripping traps. Water district personnel and farmers may also have more difficulty in controlling damage caused by beavers and muskrats.

(c) Impact on the Ability of California Businesses to Compete with Businesses in Other States: None.

(d) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

(e) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(f) Involve Nondiscretionary Costs/Savings to Local Agencies: None.

(g) Mandate Programs on Local Agencies or School Districts: None.

(h) Impose Costs to Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4: None.

(i) Affect Housing Costs: None.

VII. Plain English Policy Statement Requirement When Small Businesses are Affected by Proposed Regulation Change:

It has been determined that the adoption/amendment of these regulations may affect small businesses. The Commission has drafted the regulations in plain English pursuant to Government Code sections 11342(e) and 11346.2(a)(1).

## INFORMATIVE DIGEST (Plain English Overview)

The passage of Proposition 4 in November 1998 resulted in changes to the Fish and Game Code that restricts the types of traps that may be used to capture mammals and prohibits the sale, purchase, or exchange of raw fur of furbearing mammals and nongame mammals when taken by certain traps. The existing regulations of the Commission related to the trapping of mammals must be amended to bring them into conformance with the Fish and Game Code sections added by Proposition 4. The Commission has focused primarily on aligning Section 465.5, Title 14, CCR re: The Use of Traps, with the new statutes. This Section is then cross-referenced in other applicable regulations dealing with trapping. Primary changes relate to the use of body-gripping traps as specifically defined, the sale, purchase, or exchange of raw fur of furbearing mammals and nongame mammals and a general prohibition on the use of steel-jawed, leg-hold traps by individuals (including employees of the federal, state, county or municipal government) except use by government employees under extraordinary cases to protect human health or safety. The proposed regulations clarify that individuals (including employees of the federal, state, county or municipal government) may continue to use certain traps for the protection of public and private property.

Section 401, Title 14, CCR, is amended to read:

**401. Issuance of Permits to Kill Deer, Bear, Elk, Wild Pig, Gray Squirrel and Beaver Causing Damage.**

(a) A permittee may kill deer, bear, elk, wild pigs, gray squirrels, or beaver in any manner except as otherwise herein provided and in accordance with the provisions of 465.5 of these regulations. No iron-~~or~~-steel-jawed or any type of metal-jawed traps may be used to take gray squirrels or bear. No poison may be used. Firearms using .22 caliber rimfire cartridges may be used only when authorized by the regional manager, except that such firearms may be used to take gray squirrels without such authorization. The caliber and type of firearm to be used by each permittee shall be specified in each permit by the issuing officer who shall take into consideration the location of the area, the necessity for clean kills, the safety factor, local firearms ordinances, and other factors which apply. Rifle ammunition used shall have expanding bullets; shotgun ammunition shall have only single slugs except for taking gray squirrels.

(b) A permittee may only kill deer, bear, elk, wild pigs, gray squirrels, or beaver on the property described in the permit when such animals are doing or are immediately threatening damage.

(c) Both males and females may be killed during the period of the permit irrespective of hours or seasons and without regard to other hunting laws or regulations for taking of deer, bear, elk, wild pigs, gray squirrels, or beaver.

(d) The privilege granted in the permit may not be transferred and entitles only the permittee or his employees, or members of his family, all of whom must be 21 years of age or over, to kill deer, bear, elk, wild pigs, gray squirrels, or beaver.

(e) Any deer, bear, elk, wild pig, gray squirrel, or beaver killed under the permit must be immediately tagged with the special tag furnished with the permit, both tags must be completely filled out and the duplicate mailed to the Department of Fish and Game, Sacramento, without delay.

(f) The carcass shall be transported to a location agreed upon between the issuing officer and the permittee, but in no case will a permittee be required to deliver a carcass beyond the limits of his property unless he is willing to do so. If the permittee and issuing officer cannot agree upon the location, the matter shall be referred to the regional manager of the region wherein the deer, bear, elk, wild pigs, gray squirrel, or beaver is killed and the latter's decision shall be final. Neither the permittee nor his assigns shall be permitted to use the meat of the deer, bear, elk, wild pig, gray squirrel, or beaver. Beaver hides taken in accordance with this ~~s~~Section and Section 465.5 of these regulations may be sold under the provisions of a trapping license. The department shall require that all usable wild pig carcasses be made available to a recognized charitable organization. Notwithstanding this requirement, the department's local wildlife enforcement officer responsible for determining compliance with a depredation permit issued pursuant to this section, may authorize the disposal of any wild pig carcass which he or she determines would not be suitable for human consumption because of high air temperatures, diseases, parasites or conditions which

preclude expeditious delivery of the carcass to the charitable organization.

(g) Animals shall be killed in a humane manner so as to prevent any undue suffering to the animals. The permittee shall make every effort to kill the animals instantly and to prevent any injured animal from escaping.

(h) The department may require that a permittee may only take gray squirrels alive by the use of box traps. The department may designate areas where trapped gray squirrels shall be released.

(i) The permittee shall be required to field dress the animal, except beaver, and shall take every reasonable precaution to prevent the meat from spoiling until disposed of in the manner agreed upon under subsection (f) of these regulations.

(j) All traps set for bear must comply with the following regulations:

(1) Trap or traps must be set within a pen with the entrance guarded by a cross-bar no more than 24 inches above the ground.

(2) Two signs, at least 8 x 10 inches in size, worded "DANGER--BEAR TRAP" must be posted within 15 feet on two sides of the trap.

(3) No trail or blind sets may be used.

(k) The permit does not invalidate any city, county, or state firearm regulation.

(l) Revocable permits may be issued in the name of the department by wardens or game management personnel. The form of the permit shall be prescribed by the department.

(m) Permits may be issued for a period not to exceed 60 days. Permits may be renewed only after a finding by the department that further damage has occurred or will occur unless such permits are renewed.

(n) Permits may be suspended temporarily by the director for a breach or violation of the permit by the holders thereof, their agents, servants, employees or any person acting under their direction and control. The commission shall be notified of any such suspension and subsequently may revoke or reinstate the permit, or fix the period of its suspension, after written notice to the permittee and the permittee has been afforded an opportunity to be heard.

Any person who has had their permit revoked or suspended by the commission shall be required, upon application for a new or subsequent permit, to appear before the commission and demonstrate to its satisfaction that the use of such a permit will be consistent with depredation control, with these regulations, and with the laws under which they are promulgated.

(o) The permit shall contain a statement signed by the applicant that he has read, understands, and agrees to be bound by all the terms of the permit.

(p) Special Depredation Permit.

(1) Notwithstanding the foregoing, the department may issue special depredation permits to take wild pigs subject to the terms and conditions set forth in this subsection where the department has determined that the following conditions exist:

(A) The applicant's property is located in an area in which wild pigs are causing significant damage to natural or cultivated lands or waterways, or wild pigs are significantly disrupting plant and animal communities, and the population is not



adequately controlled by hunting; and

(B) The applicant's property is being damaged or destroyed, or is immediately threatened with damage or destruction, and under the circumstances (including steep terrain, high air temperatures, diseases, parasites or other such conditions) it would be impractical or inappropriate for the permittee to prepare and deliver the carcasses for human consumption so that leaving carcasses on site is not through carelessness or neglect and does not result in needless waste.

(2) Only subsections (a), (c), (d), (g), (k), (l), (n), and (o) of this Section 401 apply to special depredation permits issued pursuant to this subsection.

(3) Permittees shall notify the department in writing within five days after the taking of any wild pig pursuant to a permit issued under this subsection.

(4) Wild pigs taken pursuant to this subsection shall not be sold, consumed on or shipped from the premises on which they are taken except under instructions from the department. Carcasses shipped from the premises shall be tagged using tags issued by the department pursuant to this subsection.

(5) Permits issued pursuant to this subsection shall be valid for a period not to exceed one year. Such permits may be renewed only after a finding by the department that the conditions set forth in this subsection continue to exist and that further damage or destruction will occur unless such permits are renewed.

NOTE

Authority cited: Sections 202, 3003.1 and 4181, Fish and Game Code. Reference: Sections 3003.1 and 4181, Fish and Game Code.

Section 465, Title 14, CCR, is amended to read:

**465. Methods for Taking Furbearers.**

Furbearing mammals may be taken only with a firearm, bow and arrow, or with the use of dogs, or traps in accordance with the provisions of Section 465.5 of these regulations and sections 3003.1 and 4004 of the Fish and Game Code.

~~The provisions of this section shall not apply to the owner or tenant of land devoted to the agricultural industry nor to authorized city, county, state or federal predatory animal control agents operating under a written trapping agreement with the appropriate land owner while on such land and in connection with such agricultural industry.~~

**NOTE**

Authority cited: Sections 200, 202, 203, 3003.1 and 4009.5, Fish and Game Code.

Reference: Sections 200-203.1, 206, 207, 211-221, 3003.1, 4000-4004 and 4009.5, Fish and Game Code.

Section 465.5, Title 14, CCR, is amended to read:

**465.5. Use of Traps.**

(a) **Traps Defined.** Traps are defined to include padded-jaw leg-hold, steel-jawed leg-hold, and conibear type traps, snares, dead-falls, cage traps and other devices designed to confine, hold, grasp, grip, clamp or crush mammals' bodies or body parts.

(b) **Affected Mammals Defined.** For purposes of this section, furbearing mammals, game mammals, nongame mammals, and protected mammals are those mammals so defined by statute on January 1, 1997, in sections 3950, 4000, 4150 and 4700 of the Fish and Game Code.

(c) **Prohibition on Trapping for Fur Purposes.** It is unlawful for any person to trap for the purposes of recreation or commerce in fur any furbearing mammal or nongame mammal with any body-gripping trap. A body-gripping trap is one that grips the mammal's body or body part, including, but not limited to, steel-jawed leg-hold traps, padded-jaw leg-hold traps, conibear traps, and snares. Cage and box traps, nets, suitcase-type live beaver traps, and common rat and mouse traps shall not be considered body-gripping traps.

(d) **Prohibition on Exchange of Raw Fur.** It is unlawful for any person to buy, sell, barter, or otherwise exchange for profit, or to offer to buy, sell, barter, or otherwise exchange for profit, the raw fur, as defined by Section 4005 of the Fish and Game Code, of any furbearing mammal or nongame mammal that was trapped in this state, with a body-gripping trap as described in subsection (c) above.

(e) **Prohibition on Use of Steel-jawed Leg-hold Traps by Individuals, Including Employees of a Federal, State, County or Municipal Government.** It is unlawful for any person, including an employee of the federal, state, county, or municipal government, to use or authorize the use of any steel-jawed leg-hold trap, padded or otherwise, to capture any game mammal, furbearing mammal, nongame mammal, protected mammal, or any dog or cat.

(1) **Exception for Extraordinary Case to Protect Human Health or Safety.** The prohibition in subsection (e) does not apply to federal, state, county, or municipal government employees or their duly authorized agents in the extraordinary case where the otherwise prohibited padded-jaw leg-hold trap is the only method available to protect human health or safety.

(bA) **Leg-hold Trap Requirements.** Leg-hold traps used to implement subsection (e)(1) must be padded, except as provided in (b)(5) below, commercially manufactured, and equipped as provided in subsections (b)(1)(A)1. through (b)(4)(A)5. below. (This section shall not apply to trapping carried out under the provisions of Section 4152 and 4180 of the Fish and Game Code.) This subsection supersedes Section 4004(b) of the Fish and Game Code to the extent that commercially manufactured padded-jaw traps may be used in lieu of offset jaw traps. Unpadded leg-hold traps are prohibited statewide, except as provided in (b)(5) below.

~~(4)1. Anchor Chains.~~ Anchor chains must be attached to the center of the padded trap, rather than the side.

~~(2)2. Chain Swivels.~~ Anchor chains must have a double swivel mechanism attached as follows: One swivel is required where the chain attaches to the center of the trap. The second swivel may be located at any point along the chain, but it must be functional at all times.

~~(3)3. Shock Absorbing Device.~~ A shock absorbing device such as a spring must be in the anchor chain.

~~(4)4. Tension Device.~~ Padded leg-hold traps must be equipped with a commercially manufactured pan tension adjusting device.

~~(5) Unpadded traps are permitted outside the zones described in subsections 465.5(j)(1) and (2), provided they are rigged as drowning sets and are completely submerged in water or on floating sets. These traps are exempt from the provisions of subsections 465.5(b)(1) through (4) above.~~

~~(e)5. Trap Pads.~~ Trap pads must be replaced with new pads when worn and maintained in good condition.

(f) Use of Conibear Traps, Snares, Cage and Box Traps, Nets, Suitcase-type Live Beaver Traps and Common Rat and Mouse Traps for Protection of Property by Individuals and Agencies. Conibear traps, snares, cage and box traps, nets, suitcase-type live beaver traps and common rat and mouse traps may be used by individuals, including employees of a federal, state, county or municipal government to take authorized furbearing mammals and nongame mammals for the protection of public or private property in accordance with subsections (1) through (5) below. The prohibitions of subsections (c) and (d) above shall apply to any furbearing mammal or nongame mammal taken by a conibear trap or snare pursuant to this subsection (f).

(d1) Immediate Dispatch or Release. All furbearing and nongame mammals that are legal to trap must be immediately killed or released.

~~(e) Any person who traps furbearing mammals or nongame mammals shall obtain a trap number issued by and registered with the department. All traps, before being put in use, shall bear only the current registered trap number or numbers of the person using, or in possession of those traps. This number shall be clearly stamped on the trap or on a metal tag attached to the chain of the trap or to any part of the trap.~~

(f2) Trap Visitation Requirement. All traps shall be visited at least once daily by the owner of the traps or his/her designee. Such designee shall be a licensed trapper and shall carry on his/her person written authorization, as owner's representative, to check traps. In the event that an unforeseen medical emergency prevents a trapper, the owner of the traps from visiting traps an unlicensed another person may, with written authorization from the trapper owner, check traps as required. The designee and the person who issues the authorization to check traps shall comply with all provisions of Section 465.5. Each time traps are checked all trapped animals shall be removed.

~~(g) Leg-hold traps shall not be set or maintained within 30 feet of any exposed bait. Any bait placed within 30 feet of a leg-hold trap shall be completely covered by~~

~~artificial or natural material so as to make such bait hidden from view. As used in this subsection "bait" includes any natural or artificial animal, or parts thereof, except for scents used as lures. This subsection supersedes section 4004(g) of the Fish and Game Code.~~

**(h3) Trap Placement Requirement.** Traps may not be set within 150 yards of any structure used as a permanent or temporary residence, unless such traps are set by a person controlling such property or by a person who has and is carrying with him written consent of the landowner to so place the trap or traps.

**(i4) Placement of Conibear Traps.** Traps of the conibear-type with a jaw opening larger than 8" x 8" may be used only in sets where the trap is wholly or partially submerged in water or is:

(4A) Within 100 feet of permanent water.

(2B) Within 100 feet of seasonally flooded marshes, pastures, agricultural lands or floodways when standing or running water is present.

(3C) Within the riparian vegetation zone, characterized by, but not limited to, willow, cottonwood, sycamore, salt cedar, cattail, bulrush and rushes, when found within the area defined in section 463(a) where the take of beaver is permitted.

**(j5) Zones Prohibited to the Use of Conibear-type Traps and Snares.** Conibear-type traps and snares, except those totally sub-merged, and deadfall traps are prohibited in the following zones.

(4A) Zone 1: Beginning at Interstate 5 and Highway 89, east on Highway 89 to Harris Springs Road near Bartle, north on Harris Springs Road (primary U.S. Forest Service Road 15) to Powder Hill Road (primary U.S. Forest Service Road 49), northeast on Powder Hill Road to Road 42N56, east on Road 42N56 to the Siskiyou/Modoc county line, north on the Siskiyou/Modoc county line to the boundary of the Lava Beds National Monument, north along the eastern boundary of the Lava Beds National Monument, then west then south along the western boundary of the Lava Beds National Monument to Road 46N21, west along Road 46N21 over Gold Digger Pass to the western boundary of the Modoc National Forest, south along the western boundary of the Modoc National Forest to the boundary of the Shasta National Forest, west along the northern boundary of the Shasta National Forest to Highway 97, southwest on highway 97 to Interstate 5, northwest on Interstate 5 to Old Highway 99, northwest on Old Highway 99 to Stewart Springs Road, southwest on Stewart Springs Road to the Yreka Ditch, west along the Yreka ditch to the Gazelle/Callahan Road, southwest on the Gazelle/Callahan Road to Highway 3, south on Highway 3 to Ramshorn Road, northeast on Ramshorn Road to Castle Creek Road, east on Castle Creek Road to Interstate 5, north on Interstate 5 to the point of beginning.

(2B) Zone 2: Beginning in Tehama County at the intersection of Highway 36 and the western boundary of the Lassen National Forest, south along the western boundary of the Lassen National Forest to the boundary of the Plumas National Forest, south along the western boundary of the Plumas National Forest to the boundary of the Tahoe National Forest, south along the western boundary of the Tahoe National Forest, to the boundary of the Eldorado National Forest, south along the western boundary of

the Eldorado National Forest to the boundary of the Stanislaus National Forest, south along the western boundary of the Stanislaus National Forest to the boundary of the Sierra National Forest, south along the western boundary of the Sierra National Forest to the boundary of the Sequoia National Forest, south along the western boundary of the Sequoia National Forest to Highway 245, southwest on Highway 245 to Road 168, southwest on Road 168 to County Road J40, west on County Road J40 to Henderson Road, northwest on Henderson Road to Lincoln Avenue, west on Lincoln Avenue to Highway 145, north on Highway 145 to Avenue 7, west on Avenue 7 to Road 21, north on Road 21 to Avenue 12, west on Avenue 12 to Road 16, north on Road 16 to Avenue 18 1/2, west on Avenue 18 1/2 to Road 9, north on Road 9 to Highway 152, west on Highway 152 to Highway 59, north on Highway 59 to Highway 99, northwest on Highway 99 to Highway 140, west on Highway 140 to Highway 33, north on Highway 33 to Interstate 5, north on Interstate 5 to County Road J4, west on County Road J4 to County Road J2, north on County Road J2 to Highway 4, west on Highway 4 to Lone Tree Way, west on Lone Tree Way to James Donlon Boulevard, west on James Donlon Boulevard to Somersville Road, south on Somersville Road to Nortonville Road, north on Nortonville Road to Kirker Pass Road, southwest on Kirker Pass Road to Clayton Road, southeast on Clayton Road to Mitchell Canyon Road, south on Mitchell Canyon Road to the boundary of Mount Diablo State Park, south along the western boundary of Mount Diablo State Park to Mt. Diablo Scenic Boulevard, south on Mt. Diablo Scenic Boulevard to Blackhawk Road, southeast on Blackhawk Road to Camino Tassajara, west on Camino Tassajara to Dougherty Road, south on Dougherty Road to Interstate 580, west on Interstate 580 to Interstate 680, south on Interstate 680 to Highway 84, northeast on Highway 84 to Holmes Street, south on Holmes Street to Wetmore Road, east on Wetmore Road to Arroyo Road, south on Arroyo Road to Del Valle Regional Park, southeast along the western boundary of Del Valle Regional Park to Arroyo Del Valle Creek, southeast on Arroyo Del Valle Creek to the Alameda/Santa Clara county line, east on Alameda/Santa Clara county line to San Antonio Valley Road, south on San Antonio Valley Road to Del Puerto Canyon Road, east on Del Puerto Canyon Road to the Santa Clara/Stanislaus county line, south along the Santa Clara/Stanislaus county line to the Santa Clara/Merced county line, south along the Santa Clara/Merced county line to the San Benito/Merced county line, south along the San Benito/Merced county line to Little Panoche Road, south on Little Panoche Road to Panoche Road, east on Panoche Road to New Idria Road, south along New Idria Road to Clear Creek Road, southwest on Clear Creek Road to Coalinga Road, southeast on Coalinga Road to Coalinga-Mineral Springs Road, south on Coalinga-Mineral Springs Road to Highway 198, east on Highway 198 to Parkfield Grade, south on Parkfield Grade to Vineyard Canyon Road, west on Vineyard Canyon Road to Highway 101, north on Highway 101 to Bradley Road, north on Bradley Road to Sargents Road, north on Sargents Road to Pancho Rico Road, west on Pancho Rico Road to Cattleman's Road, north on Cattleman's Road to Highway 198, west on Highway 198 to Highway 101, north on Highway 101 to County Road G13, northeast on County Road G13 to Highway 25 north on Highway 25 to Browns Valley Road, north on Browns Valley Road to Santa

Anita Road, northwest on Santa Anita Road to Santa Ana Valley Road, north on Santa Ana Valley Road to Fairview Road, north on Fairview Road to Highway 156, north on Highway 156 to Highway 152, southwest on Highway 152 to County Road G7, southwest on County Road G7 to Highway 25, west on Highway 25 to Highway 101, south on Highway 101 to the San Benito/Monterey county line, south on the San Benito/Monterey county line to Highway 146, west on Highway 146 to Highway 101, south on Highway 101 to Paraiso Springs Road, south on Paraiso Springs Road to County Road G17, south on County Road G17 to County Road 16, northeast on County Road 16 to Central Avenue, southeast on Central Avenue to Highway 101, south on Highway 101 to County Road G14, south on County Road G14 to Milpitas Road, west on Milpitas Road to the boundary of Fort Hunter Liggett, south along the western boundary of Fort Hunter Liggett to the Nacimiento River, southeast along the Nacimiento River to Nacimiento Reservoir, southeast along the western boundary of Nacimiento Reservoir to Chimney Rock Road, south on Chimney Rock Road to Klau Mine Road, south on Klau Mine Road to Adelaida Road, east on Adelaida Road to Vineyard Drive, southeast on Vineyard Drive to Highway 101, south on Highway 101 to Highway 41, east on Highway 41 to Highway 229, south on Highway 229 to Creston O'Donovan Road southeast on Creston O'Donovan Road to Highway 58, east on Highway 58 to the boundary of the Los Padres National Forest, south and east along the eastern boundary of the Los Padres National Forest to Highway 33, south on Highway 33 to Quatal Canyon Road, east on Quatal Canyon Road to Cerro Noroeste Road, east on Cerro Noroeste Road to Cuddy Valley Road, east on Cuddy Valley Road to Interstate 5, north on Interstate 5 to Wheeler Ridge Road, east on Wheeler Ridge Road to Laval Road, east on Laval Road to Rancho Road, north on Rancho Road to Sycamore Road, east on Sycamore Road to Tejon Highway, north on Tejon Highway to Highway 223, northeast on Highway 223 to Highway 58, east on Highway 58 to Caliente Bodfish Road, north on Caliente Bodfish Road to Highway 155, northeast then west on Highway 155 to the eastern boundary of the Sequoia National Forest, north and east along the southern boundary of the Sequoia National Forest to the Dome Land Wilderness, north along the eastern boundary of the Dome Land Wilderness to the boundary of the Inyo National Forest, north along the eastern boundary of the Inyo National Forest west of Highway 395 to the intersection of the Inyo National Forest and Highway 395 near Sherwin Summit in Mono County, north on Highway 395 to the California/Nevada state line, north on the California/Nevada state line to Highway 395 in Sierra County, north on Highway 395 to Long Valley Road, south on Long Valley Road to the boundary of the Toiyabe National Forest, west along the Toiyabe National Forest boundary to the Tahoe National Forest boundary, west then south then west then north along the Tahoe National Forest boundary to the Plumas National Forest boundary, north then east then north along the eastern boundary of the Plumas National Forest to the Lassen National Forest boundary, north along the eastern boundary of the Lassen National Forest to the northern boundary of the Lassen National Forest, west along the northern boundary of the Lassen National forest to the

western boundary of the Lassen National Forest, south along the western boundary of the Lassen National Forest to the point of beginning.

**(g) Statutory Penalty for Violation of Provisions.** Violation of Section 3003.1 or 3003.2 of the Fish and Game Code, or any rule or regulation including this Section 465.5, adopted pursuant thereto, is punishable by a fine of not less than three hundred dollars (\$300) or more than two thousand dollars (\$2,000), or by imprisonment in the county jail for not more than one year, or by both that fine and imprisonment.

**NOTE**

Authority cited: Sections 200, 202, 203, 219, 240, 3003.1, 4005 and 4009.5, Fish and Game Code. Reference: Sections 200, 202, 203, 203.1, 207, 3003.1, 4004, 4005, 4009.5, 4152 and 4180, Fish and Game Code.



Section 475, Title 14, CCR, is amended to read:

**475. Methods of Take for Nongame Birds and Nongame Mammals.**

Nongame birds and nongame mammals may be taken in any manner except as follows:

- (a) Poison may not be used.
- (b) Recorded or electrically amplified bird or mammal calls or sounds or recorded or electrically amplified imitations of bird or mammal calls or sounds may not be used to take any nongame bird or nongame mammal except coyotes, bobcats, American crows and starlings.
- (c) Fallow deer, sambar deer, axis deer, sika deer, aoudad, mouflon, tahr and feral goats may be taken only with the equipment and ammunition specified in ~~s~~Section 353 of these regulations.
- (d) ~~Steel leg-hold and conibear type~~ Traps may be used to take nongame birds and nongame mammals only in accordance with the provisions of section 465.5 of these regulations and sections 3003.1 and 4004 of the Fish and Game Code.
- (e) No feed, bait or other material capable of attracting a nongame mammal may be placed or used in conjunction with dogs for the purpose of taking any nongame mammals. Nothing in this section shall prohibit ~~a licensed trapper~~ an individual operating in accordance with the provisions of Section 465.5 from using a dog to follow a trap drag and taking the nongame mammal caught in that trap.

NOTE

Authority cited: Sections 355, 3003.1, 3800, and 4150, Fish and Game Code.  
Reference: Sections 355-356, 3003.1, 3800, and 4150, Fish and Game Code.

Section 479, Title 14, CCR, is amended to read:

**479. Bobcat Pelts.** Bobcat pelts may be taken only pursuant to the provisions of sections 465.5 and 478 of these regulations. Body-gripping traps (see Section 465.5) are prohibited for the take of bobcats for fur purposes.

(a) Any person who takes a bobcat shall, at any time during the trapping season or within 14 days after the end of the bobcat season, have the following appropriate department mark or tag affixed to the pelt.

(1) Pelts from bobcats taken under a hunting license shall be tagged as provided in section 478.1. Pelts taken by a licensed trapper for only his personal use shall, at no cost, be marked by the department. Such pelts shall not be sold.

(2) Pelts from bobcats taken for commercial purposes under a trapping license shall be tagged with a department shipping tag.

(b) It is unlawful for any person to sell, offer for sale, barter, trade, purchase, transport from this state, or offer for out-of-state shipment by any common carrier any bobcat pelts, or parts thereof unless the department has affixed a shipping tag to the pelt or parts thereof.

(c) Shipping tags and marking are available from the department. All persons taking bobcat pelts under provisions established by the commission must personally present the pelt to a representative of the department for placement of the nontransferable tag or mark and shall furnish the following:

- (1) Date of take;
- (2) County of take and nearest major geographical landmark;
- (3) Sex; and
- (4) Method of take (trap, call or hounds).—

The department shall mark bobcat pelts and issue bobcat shipping tags for export of pelts at designated department offices during the trapping season and for a 14-day period immediately following the trapping season.

An administrative fee of \$3.00 shall be charged for the issuance of each shipping tag. There is no fee for marking bobcat pelts not for sale.

(d) It is unlawful for any person to import, receive from out-of-state, or receive for sale, any bobcat pelt, or parts thereof that is not:

- (1) Marked with the current export or shipping tag from the state of origin.
- (2) Accompanied by an import declaration in accordance with Section 2353 of the Fish and Game Code, and specifying the number and kind of raw pelts in the shipment, the state in which the bobcats were taken, the license number under which they were taken and attesting that they were legally taken. Demonstration of the declaration of entry, pelt ownership and proof of legal take and marking is required of anyone receiving bobcat pelts from out-of-state upon the request of the department. The provisions of subsections (a), (b) and (c) shall not apply to raw bobcat pelts, or parts thereof, which were not taken in California.

**NOTE**

Authority cited: Sections 3003.1 and 4150, Fish and Game Code. Reference: Sections 3003.1 and 4150, Fish and Game Code.

Section 480, Title 14, CCR, is amended to read:

**480. Bobcat Depredation.**

Any person taking a depredating bobcat pursuant to the provisions of Fish and Game Code ~~section 4152~~, Section 465.5 of these regulations, shall notify the department within thirty days from the date any bobcat is taken.

NOTE

Authority cited: Sections 3003.1 and 4150, Fish and Game Code. Reference: Sections 3003.1 and 4150, Fish and Game Code.